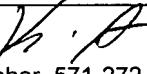


Notice of Allowability	Application No.	Applicant(s)
	10/541,098	HORNSEY, ANDREW
	Examiner 	Art Unit
	Kamran Afshar, 571-272-7796	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 07/11/2007 & 8/16/07.
2. The allowed claim(s) is/are 1-2 and 9-10.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

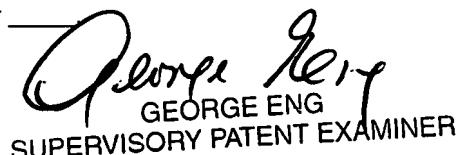
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____


 GEORGE ENG
 SUPERVISORY PATENT EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian M. Mancini, Reg. No. 39,288 on 8/16/2007.

The application has been amended as follows:

In the Specification:

After the Title, please insert the following: This application claims benefit of the foreign application priority of UNITED KINGDOM application No: 0301546.8 filed on 01/22/2003.

In The Claim(s):

1. (currently amended) A method of determining frequency planning measurement data in a cellular communications system using different neighbor lists allocated to different mobile stations, comprising the steps of:

allocating different test frequencies in the different neighbor lists for substantially each call conducted by a base station of the cellular communication system to provide measurement data for frequency planning;

wherein the different neighbor lists are allocated to different mobile stations on a per call basis to cover, over a plurality of calls, substantially all the test frequencies for the cell served by the base station; and

repeating, on a cyclical basis comprising repeated calls, the allocation of the different neighbor lists on a per call basis covering substantially all the test frequencies;
wherein the different neighbor list is allocated for each of a predetermined number of calls conducted by the base station of the cellular communications system, compared to the predetermined number of directly preceding calls.

2. (currently amended) A method according to claim 1, wherein the different neighbor lists are allocated by the same base station to said different mobile stations for respective calls that overlap in time.

3-8 (cancelled).

9. (currently amended) An apparatus for determining frequency planning measurement data in a cellular communications system using different neighbor lists allocated to different mobile stations, comprising:

means for allocating different test frequencies in the different neighbor lists for substantially each call conducted by a base station (28) of the cellular communication system to provide measurement data for frequency planning;

wherein the means for allocating the different neighbor lists are adapted to allocate the different neighbor lists to said different mobile stations on a per call basis to cover, over a plurality of calls, substantially all test frequencies for the cell served by the base station; and

means for repeating, on a cyclical basis comprising repeated calls, the allocation of the different neighbor lists on a per call basis covering substantially all the test frequencies;

wherein the means for allocating the different neighbor lists are adapted to allocate said different neighbor list for each of a predetermined number of said calls conducted by said base station of the cellular communications system, compared to the predetermined number of directly preceding calls.

Art Unit: 2617

10. (currently amended) An apparatus according to claim 9, wherein the means for allocating said different neighbor lists are adapted to allocate said different neighbor lists from the same base station to said different mobile stations for respective calls that overlap in time.

11-17. (cancelled).

Allowable Subject Matter

2. In view applicant response and amended claims as discussed above in item 1, Claims 1-2 and 9-10 are allowed.

The following is an examiner's statement of reasons for allowance: 1-2 and 9-10.

With respect to claim 1, the prior art of record fails to disclose singly or in combination or render obvious that comprising the steps of: allocating different test frequencies in the different neighbor lists for substantially each call conducted by a base station of the cellular communication system wherein the different neighbor lists are allocated to different mobile stations on a per call basis to cover, over a plurality of calls, substantially all the test frequencies for the cell served by the base station; and repeating, on a cyclical basis comprising repeated calls, the allocation of the different neighbor lists on a per call basis covering substantially all the test frequencies; wherein the different neighbor list is allocated for each of a predetermined number of calls conducted by the base station of the cellular communications system, compared to the predetermined number of directly preceding calls.

With respect to claim 9, the prior art of record fails to disclose singly or in combination or render obvious that means for allocating different test frequencies in the different neighbor lists for substantially each call conducted by a base station of the cellular communication system wherein the means for allocating the different neighbor lists are adapted to allocate the different neighbor lists to said different mobile stations on a per call basis to cover, over a plurality of calls, substantially all test frequencies for the cell served by the base station; and means for repeating, on a cyclical basis comprising repeated calls, the allocation of the different neighbor lists on a per call basis covering substantially all the test frequencies; wherein the means for allocating the different neighbor lists are adapted to allocate said

Art Unit: 2617

different neighbor list for each of a predetermined number of said calls conducted by said base station of the cellular communications system, compared to the predetermined number of directly preceding calls.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a) Gan (U.S. 7, 027, 418 B2).
 - b) Grandhi (U. S. 6, 125, 280 A).
 - c) Chawla (6, 496, 700 B1).
 - d) Cho (U.S. 6, 965, 587 B2).
 - Benvenist (U.S. 6, 990, 348 B1).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (571) 272-7796. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, **Eng, George** can be reached @ (571) 272-3984. The fax number for the organization where this application or proceeding is assigned is **571-273-8300** for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kamran Afshar



George Eng
GEORGE ENG
SUPERVISORY PATENT EXAMINER